IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA

Civil Writ Petition No. 431 of 2002.

Date of decision: May 22, 2007.

R.K.Gandhi … **Petitioner.**

Versus

State of H.P. and another … **Respondents.**

Coram

The Hon'ble Mr.Justice Dev Darshan Sud, J.

Whether approved for reporting?[1]

For the Petitioners: **Mr. O.P.Thakur, Advocate.**

For Respondent 1: **Mr. Rajan Dewan, Addl. AG.**

For respondent No. 2 **Mr. J.R.Thakur, Advocate.**

Dev Darshan Sud, J. (Oral).

This writ petition was preferred by the petitioner praying for the following reliefs:

(i) quashing the deregistration of the petitioner's industrial unit by respondent -2 on 25-11-00 (P4G) and for restoring the original registration dated 21-06-83 (P2C),

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[1] ***Whether reports of Local Papers may be allowed to see the judgment?***

(ii) quashing the lease cancellation order dated 21-12-99 (P3E) passed by respondent – 2 and

(iii) quashing the consequential ongoing proceedings under the HP Public Premises & Land (Eviction and Rent Recoveries) Act, 1971 initiated by respondent -2 vide petition dated 17-06-00 (P3B), keeping regard for the petitioner's voluntary offer for the payment of Rs.33,778/- only by way of the belated enhancement of the plot price. Any other or further writ, order and/or direction deemed appropriate in the given premise be kindly passed."

The matter regarding the eviction of the petitioner was subject matter of proceedings before the Sub Divisional Collector, Solan District, in case No. 10/13-A of 2000. Proceedings had been initiated under the Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Act, 1971 seeking eviction of the petitioner from Industrial Plot No. 2, Sector 1, Parwanoo and recovery of the amounts as claimed on account of lease money etc. by the Himachal Pradesh Housing Board.

Both parties led their respective evidence(s) before the Collector, who concluded that the petitioner herein had paid the full amount of premium and enhanced compensation. The industrial plot in dispute has been utilized by the petitioner within the stipulated period and it has remained functional for 16-17 years which fact had been admitted by the Housing Board also. The fact that production was not carried out for some time, was attributed to unavoidable circumstances which did not constitute a violation of the conditions of the lease. The Sub Divisional Collector also found as a fact that machinery and buildings are in existence on the industrial plot. In the circumstances, the petition for eviction was dismissed. The certified copy of the judgment has been placed on record. These findings are not disputed before me. The petitioner had challenged the quashing of the cancellation order passed by the Himachal Pradesh Housing Board and the consequential quashing of the proceedings pending before the Sub Divisional Collector. In view of the decision which has been placed on record, these prayers have become infructuous since the Sub Divisional Collector has found in favour of the petitioner.

The other prayer which survives was regarding the registration of the petitioner with the Industries Department which has been cancelled by them. On the facts on record herein it has been held that the petitioner is not in breach of any of the terms of allotment, he has not violated any of the conditions of the lease and that the temporary disruption in production is explainable, there is no justification that the petitioner's prayer for re-registration should not be considered. The petitioner's prayer for quashing deregistration of his industrial unit by respondent No. 2 on 25-11-00 (Annexure P-4/G) and for restoring the original registration dated 21-06-83 (Annexure P-2/C), is allowed. It is directed that the respondents will register the industrial unit of the petitioner within a period of eight weeks from today if there is no other impediment in law. This writ petition is disposed of. There shall be no order as to costs.

May 22, 2007(PC). (Dev Darshan Sud), J.